



B-175428

J-16-73

088963

RELEASED

B-175428

MAY 10 1973

The Honorable Birch Bayh, Chairman
Subcommittee on the District of Columbia
Committee on Appropriations
United States Senate

Dear Mr. Chairman

In a letter dated July 27, 1972, Senator Daniel K. Inouye, your predecessor, requested that we (1) assist the Subcommittee in evaluating the D.C. courts' present personnel situation and their ability to function effectively under the expanded jurisdiction provided by the District of Columbia Court Reform and Criminal Procedure Act of 1970 (84 Stat 473) and (2) assess how many additional personnel will be required for the courts to be effective in fiscal year 1974.

To evaluate the D.C. courts' personnel requirements, we visited and discussed court system operations with officials of three State courts and one county-city court. They advised us that they had not developed standards to determine the number of staff needed to effectively handle their courts' workload.

We also discussed court operations with officials of some professional judicial organizations whose activities involve research in judicial administration. These officials told us that they had not developed workload or staffing criteria to determine the number of personnel needed to effectively operate a court system.

An official of one judicial organization advised us, however, that the organization has undertaken a study in 11 States which, when completed, may provide work standards to evaluate court system staff requirements. The organization expects to complete its study in June 1973.

Your office later agreed that, because work measurement standards for court systems are not available and because a judicial organization is studying the matter, we should not examine or evaluate the District courts' personnel needs at this time. Your office requested, however, that we report on the following matters pertaining to personnel and workload changes since the court reorganization and our observations on staffing patterns for law clerks and secretaries.

913344

088963

THE SUPERIOR COURT

The District of Columbia Court Reform and Criminal Procedure Act of 1970, consolidated the Court of General Sessions, the Juvenile Court, and the D.C. Tax Court, into the Superior Court. The act provided also for the periodic transfer of jurisdiction over all local criminal and civil matters from the U.S. District Court for D.C. to the Superior Court. An objective of the act was to enhance the deterrent effect of the criminal law by (1) reducing the time between arrest and trial and (2) increasing the number of felony prosecutions

Under the first phase of reorganization which became effective on February 1, 1971, the Superior Court assumed jurisdiction over cases of local civil litigation involving claims not exceeding \$50,000, land condemnation on behalf of D.C., local criminal offenses carrying penalties up to 15 years, juvenile and family matters, and certain real property and equity cases.

The second phase of reorganization became effective August 1, 1972. The Superior Court assumed jurisdiction over all D.C. criminal offenses and some civil matters, such as cases involving the mentally ill and the commitment and maintenance of substantially retarded persons.

The final phase of the reorganization will become effective on August 1, 1973, and the Superior Court will assume jurisdiction over all remaining local civil matters and all probate functions presently within the jurisdiction of the U.S. District Court

Personnel and workload changes

The number of authorized positions and the amount of funds appropriated for operating expenses for the Superior Court for fiscal years 1971 through 1974 are shown below.

<u>Fiscal year</u>	<u>Number of authorized positions</u>	<u>Appropriations for operating expenses</u>
1971	^a 901	\$11,452,100
1972	894	17,116,500
1973	^b 1,046	18,362,700
1974	^c 1,184	^c 20,199,700

^aIncludes 282 positions authorized by the Supplemental Appropriations Act for fiscal year 1971 (84 Stat. 1981), approved January 8, 1971.

^bIncludes 166 temporary positions.

^cEstimate.

The above data includes the positions authorized and the funds appropriated for the D.C. Court System, which is the nonjudicial administrative organizational unit for the Superior Court and the D.C. Court of Appeals. However, most of the work of the D.C. Court System involves the Superior Court. The Congress authorized 68 positions and appropriated about \$2.9 million for the D.C. Court System in fiscal year 1973.

From the first phase of the court reorganization through fiscal year 1973, the Congress increased the number of authorized positions for the Superior Court from 619 to 1,046. The Superior Court's budget justifications indicated that most of the additional positions were needed to (1) accommodate the increased case workload and the more complex cases that resulted from the expanded jurisdiction brought about by reorganization and (2) carry out the objectives of the reorganization. The following table shows the increase in the court's workload between 1970 and 1972.

Cases Filed

	<u>Calendar year</u>	
	<u>1970</u>	<u>1972</u>
Criminal division	86,871	124,642
Civil division	159,751	164,351
Family division	<u>13,946</u>	<u>15,446</u>
Total	<u>260,568</u>	<u>304,439</u>

Other workload factors have also increased. The number of adult and juvenile probation cases received increased from about 6,250 in 1970 to about 7,230 in 1972. Similarly, moneys collected from fines and fees increased from about \$6.8 million in 1971 to about \$9 million in 1972.

Before the first phase of reorganization in February 1971 when all felony cases were prosecuted in the U.S. District Court, the highest number of felony indictments in D.C. in any year was 2,197 (in fiscal year 1969). In 1972, 2,348 felony indictments were entered in the Superior Court and 2,146 were entered in the U.S. District Court.

Since the court's reorganization, criminal cases have been brought to trial more promptly. For example, information obtained from court officials showed that defendants in misdemeanor cases come to trial within an average of about 4 weeks after arraignment, defendants in felony cases come to trial within an average of about 8 weeks after indictment, and defendants in juvenile delinquency cases come

to trial within an average of about 6 weeks after arrest. In 1970, before reorganization, the average was about 7 weeks for misdemeanor cases, about 9 months for felony cases, and about 4 months for juvenile delinquency cases.

Reorganization also accelerated the handling of civil cases. For example, civil jury cases are tried within an average of about 7 months compared with previous delays of about 17 months, and contested divorce cases are brought to trial within an average of about 60 days compared with previous delays of about 16 weeks.

Secretaries and law clerks

On the basis of information obtained during our visits to other courts, we question whether all of the personal secretaries and law clerks authorized for the Superior Court are needed.

The Superior Court has 44 judges--an increase of 17 since reorganization. The Congress authorized 10 judges in fiscal year 1971 and 7 in fiscal year 1973. For fiscal year 1973, the Congress also authorized 44 secretaries and 44 law clerks for the Superior Court.

Officials of three of the four court systems we visited said that, for the most part, a secretarial pool arrangement is used in their courts and judges do not have their own secretaries and law clerks. They also told us that this arrangement is satisfactory. An official of the other court system said that each judge has a personal secretary, but that the number of law clerks in the court is less than the number of judges. However, information concerning the number of law clerks employed was not available.

Probation officers

The President's Commission on Law Enforcement and Administration of Justice has recommended a workload of 50 work units per probation officer a month. The following table shows the average work units of probation officers as reported by the Superior Court for calendar year 1972.

	<u>Number of officers</u>	<u>Average work units</u>
Adult probation officers	69	86
Juvenile probation officers	56	78

An official of the Division of Probation, U.S. District Court, told us that he believes the standard 50 work units is a good general rule, but that it should vary for the type of probationers supervised--high risk probationers require more supervision than low risk probationers. The official stated that the Division of Probation is making a time and motion study which may result in varying work standards for probation officers.

The Intra-Family, Neglect and Conciliation Branch of the Social Services Division of the Superior Court, also employs probation officers to handle cases involving child support and neglect. The court has established a standard of 140 work units a month per probation officer for this branch. According to court records, the average monthly work units for this branch was about 5,100 in 1972. Thus the 25 probation officers authorized for the branch had an average workload of about 204 work units.

COURT OF APPEALS

The act of 1970 also increased the jurisdiction of, and the number of cases assigned to, the D.C. Court of Appeals. The Court of Appeals has jurisdiction over appeals from the Superior Court and from decisions and orders of the D.C. Government. It also is responsible for the admission, censure, suspension, and disbarment of attorneys.

The number of positions authorized and the amount of funds appropriated for operating expenses for the Court of Appeals, exclusive of nonjudicial administrative expenses (see p. 3) for fiscal year 1971 through fiscal year 1973 are shown below.

<u>Fiscal year</u>	<u>Number of authorized positions</u>	<u>Appropriations for operating expenses</u>
1971	a42	\$ 892,100
1972	42	1,087,100
1973	b53	1,276,400

^aIncludes 13 positions authorized by the Supplemental Appropriations Act for fiscal year 1971 (84 Stat 1981), approved January 8, 1971.

^bIncludes 11 temporary positions.

B-175428

In 1970, 454 cases were filed in the D.C. Court of Appeals, and 796 were filed in 1972. The number of motions received in the court has also increased from about 1,130 motions in 1970 to 3,050 in 1972.

The Clerk of the D.C. Court of Appeals advised us that, although the number of cases filed is important in determining personnel needs, no standards have been developed to determine how many judges and supporting personnel are needed in relation to the number of cases filed.

As requested, we have not obtained comments from the D.C. courts on these matters. We do not plan to further distribute this report unless you agree or publicly announce its contents.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "James B. Peeto". The signature is fluid and cursive, with a large initial "J" and a stylized "P".

Comptroller General
of the United States